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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NCR Docket No. 10149

Application of:

BROWN, D. P.

Group Art Unit: 2162

Serial No. 09/976,632

Examiner: Isaac Woo

Filed: October 12, 2001

For: COLLECTING AND / OR PRESENTING DEMOGRAPHICS INFORMATION
IN A DATABASE SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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APPEAL BRIEF TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing is an Appeal Brief to the Final Rejection dated
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Respectfully submitted,

Harden E. Stevens, III
Harden E. Stevens, III
Reg. No. 55,649

NCR Corporation
Dayton, Ohio
Tel. No. (803) 939-6505
Fax No. (404) 479-1187

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By: *Michelle George*
Name: Michelle George



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|---------------------------|---|-----------------|--------------|
| Applicant: | Douglas P. Brown, et al. | § | Group Art Unit: | 2162 |
| | | § | | |
| Serial No.: | 09/976,632 | § | | |
| | | § | Examiner: | Isaac M. Woo |
| Filed: | October 12, 2001 | § | | |
| | | § | | |
| For: | COLLECTING AND/OR | § | Atty. Dkt. No.: | 10149 (NCR) |
| | PRESENTING DEMOGRAPHIC | § | | |
| | INFORMATION IN A DATABASE | § | | |
| | SYSTEM | § | | |

Mail Stop: Appeal Brief
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P.O. Box 1450
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Dear Sir:

BRIEF IN SUPPORT OF APPEAL

This is a brief in support of Applicant's notice of appeal filed on December 6, 2005, in response to the final rejection dated July 7, 2005, in this matter. Applicant is filing this brief along with any required fee.

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By: Michelle George
Name: Michelle George

(1) REAL PARTY IN INTEREST

The real party in interest in this matter is NCR Corporation, Dayton, Ohio, by virtue of an assignment recorded at reel 012259, frame 0956-0060, on October 12, 2001.

(2) RELATED APPEALS AND INTERFERENCES

Applicant is aware of no active appeals or interferences related to this application.

(3) STATUS OF CLAIMS

Claims 1-33 are currently pending. Claims 1-33 are subject to a final rejection and are under appeal. Applicant as amended claim 17 to add the letter "s" to the word "instruction." The letter was mistakenly omitted. Applicant asks that the amendment be entered into this application. The text of the claims, as currently pending with the above amendment, is attached as an appendix to this brief.

(4) STATUS OF AMENDMENTS

On October 7, 2005, Applicant filed a reply to the final rejection dated July 7, 2005. This reply contained no new amendments. In an Advisory Action mailed on November 18, 2005, the Office rejected Applicant's rebuttal arguments and maintained all rejections. Applicant filed a notice of appeal with a pre-appeal brief on December 6, 2005. On January 24, 2006, the Office mailed a Notice of Panel Decision stating the pre-appeal brief failed to resolve all issues.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 recites a method of presenting database demographics information in a database system (e.g., page 8, lines 18-24; Fig. 1, element 20), comprising: providing a graphical user interface screen (e.g., page 12, lines 31-36; Fig. 1, element 26); receiving selection of an item in the graphical user interface screen (e.g., page 16, lines 17-23; Fig. 14, decision symbol labeled "RECEIVE ACTIVATION OF MENU ITEM"); and in response to selection of the item, accessing database demographics information stored in a database system and displaying the database

demographics information in graphical format (e.g., page 16, lines 20-24; Fig. 14, elements 408, 410, 412, and 414).

Independent claim 17 recites an article comprising at least one storage medium containing instructions that when executed cause a system to (page 23, line 6 - page 24, line 2): receive an indication of a selection of an item in a user interface(e.g., page 16, lines 17-23; Fig. 14, decision symbol labeled “RECEIVE ACTIVATION OF MENU ITEM”); in response to receiving the indication, access database demographics information stored in a database system (e.g., page 16, lines 20-23; Fig. 14, elements 408 and 410); and provide the database demographics information for display in a graphical format (e.g., page 16, lines 23-24; Fig. 14, elements 412 and 414).

Independent claim 32 recites an apparatus comprising: a first interface to a database system (e.g., page 5, lines 26-30; Fig. 1, elements 12, 14A, and 14B); a module to receive a request for database demographics information (e.g., page 16, lines 17-23; Fig. 14, decision symbol labeled “RECEIVE ACTIVATION OF MENU ITEM”); and a user interface (e.g., page 12, lines 31-36; Fig. 1, element 26), the module adapted to access the database demographics information from the database system and to display the database demographics information in graphical format in the user interface (e.g., page 16, lines 20-24; Fig. 14, elements 408, 410, 412, and 414).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A. All claims have been rejected under 35 USC § 102(e) as being anticipated by Bertram (U.S. Pat. No. 6,369,820).

(7) ARGUMENT

All rejected claims should be allowed over the cited references for the reasons set forth below.

A 35 USC § 102(e) Rejection of Independent Claims 1, 17, and 32 by Bertram

It is respectfully submitted that Bertram does not show or suggest “accessing database demographics information stored in a database system and displaying the database demographics information ...,” as required by Applicant. Bertram’s invention relates to the capacity management of networks containing a plurality of systems. Bertram teaches “the present invention relates to an improvement in graphical display of data, particularly for capacity management.” (Col. 2, line 66 – col. 3, line 1.) Bertram further teaches that “capacity management refers to the monitoring of the network in order to ensure that the network can function.” (Col. 1, lines 26-28.) Bertram is concerned with how a network and each computer system within the network functions over time. Bertram does not teach the presence or use of a database as described by Applicant. In fact, the term “database” is not even found within the teachings of Bertram. Bertram also fails to show or suggest the existence of demographic information that relates to a database. Since there is no teaching of a database or that demographic information related to a database has been captured, let alone stored in a database, Bertram can not teach that demographic information related to a database is accessed from a database. It also follows that Bertram does not show or suggest displaying database demographic information since there is no database demographic information to display.

The Office asserts that Bertram does teach “accessing database demographic information stored in a database system,” as required by Applicant and offers the following passage in support “applications, not shown, allow a user to query each system 10 and 22-40 and receive information relating to each system’s monitors.” (Col. 3, lines 39-46.) Applicant respectfully disagrees. Nowhere in the cited passage or in Bertram is there an explicit or implied requirement for a database or database system. The act of

querying each system and receiving information relating to each system's monitors in no way requires or suggests the existence of a database. In Fig. 1B, Bertram depicts a network 20 with 11 computer systems attached to the network. Bertram further teaches that the network could include any number of computer systems, "from one system to thousands of system, or more." (Col. 3, lines 25-26.) Nowhere does Bertram teach that any of these computer systems are database systems nor does Bertram teach functions that only a database can provide. Bertram's systems are simply generic computer systems attached to a network to demonstrate capacity management. The monitors are used to determine the network capacity. Nowhere does Bertram use the term "database"; and the monitors are clearly related to the generic computer systems and how they utilize the network. There is no teaching that a database is present or that a database is required. In the absence of any implied or explicit requirement by Bertram for a database, the statement "applications, not shown" can not be construed to include a database. To do so without any suggestion by Bertram would be improper. There is simply no teaching by Bertram that database demographic information has been collected or stored in any way much less in a database or that a database is even present. These elements are missing from Bertram.

Bertram is clearly missing at least the above elements required by Applicant's claims. Therefore, it is respectfully submitted that the use of Bertram, as prior art for these claims, is improper and in error.

B. Conclusion

The cited reference fails to show or suggest all of the elements of Applicant's claims. Applicant therefore asks the Board to reverse the examiner's rejections and to allow all of the claims.

Please apply any charges or credits that might be due, except the issue fee, to the NCR Corporation deposit account number 14-0225.

Respectfully submitted,

Feb. 24, 2006

Date



Harden E. Stevens, III
Agent for Applicant
Reg. No. 55,649

NCR Corporation
Law Department
1700 South Patterson Blvd.
Dayton, Ohio 45479

Tel. No. (803) 939-6505
Fax No. (803) 939-5099

(8) CLAIMS APPENDIX - Current Listing of Amended Claims

Claim 1 (previously amended): A method of presenting database demographics information in a database system, comprising:

- providing a graphical user interface screen;
- receiving selection of an item in the graphical user interface screen; and
- in response to selection of the item, accessing database demographics information stored in a database system and displaying the database demographics information in graphical format.

Claim 2 (previously amended): The method of claim 1, further comprising displaying the database demographics information in text format.

Claim 3 (previously amended): The method of claim 1, wherein displaying the demographics information comprises displaying the database demographics information in a format different from a text format.

Claim 4 (previously amended): The method of claim 1, further comprising providing an interface to access the database demographics information.

Claim 5 (previously amended): The method of claim 4, wherein providing the interface comprises providing an application programming interface to depict database demographics information.

Claim 6 (previously amended): The method of claim 1, further comprising storing database demographics information in a database.

Claim 7 (previously amended): The method of claim 6, wherein storing the database demographics information comprises storing the database demographics information in a query capture database.

Claim 8 (previously amended): The method of claim 1, wherein the database system has plural access modules, and wherein displaying the database demographics information comprises displaying the database demographics information on a per-access module basis.

Claim 9 (previously amended): The method of claim 1, wherein displaying the database demographics information in graphical format comprises displaying in at least one of a bar chart format and a line graph format.

Claim 10 (previously amended): The method of claim 1, wherein displaying the database demographics information comprises displaying storage system utilization.

Claim 11 (previously amended): The method of claim 10, wherein displaying the database demographics information further comprises displaying statistics information.

Claim 12 (previously amended): The method of claim 11, wherein the database system has plural access modules and a table distributed across the access modules, and wherein displaying the database demographics information comprises displaying the storage system utilization associated with each access module.

Claim 13 (previously amended): The method of claim 12, wherein displaying the database demographics information further comprises displaying a row count of a portion of the table stored by each of the access modules.

Claim 14 (previously amended): The method of claim 13, wherein displaying the database demographics information further comprises displaying an average row size of rows of the portion of the table stored by each of the access modules.

Claim 15 (previously amended): The method of claim 14, wherein displaying the database demographics information further comprises displaying distribution of a number of blocks on each access module.

Claim 16 (previously amended): The method of claim 15, wherein displaying the database demographics information further comprises displaying spool space utilization.

Claim 17 (currently amended): An article comprising at least one storage medium containing instructions that when executed cause a system to:

- receive an indication of a selection of an item in a user interface;
- in response to receiving the indication, access database demographics information stored in a database system; and
- provide the database demographics information for display in a graphical format.

Claim 18 (original): The article of claim 17, wherein the instructions when executed cause the system to receive the indication of the selection in a graphical user interface.

Claim 19 (previously amended): The article of claim 18, wherein the instructions when executed cause the system to provide the database demographics information for display in the graphical user interface.

Claim 20 (previously amended): The article of claim 17, wherein the instructions when executed cause the system to provided the database demographics information in a second format for displaying in a text view.

Claim 21 (previously amended): The article of claim 17, wherein the instructions when executed cause the system to store the database demographics information in a database.

Claim 22 (original): The article of claim 21, wherein the instructions when executed cause the system to provide an interface between an application and the database.

Claim 23 (original): The article of claim 22, wherein the instructions when executed cause the system to provide the interface as an application programming interface.

Claim 24 (previously amended): The article of claim 17, wherein the database system has plural access modules, and wherein the instructions when executed cause the system to display the database demographics information on a per-access module basis.

Claim 25 (previously amended): The article of claim 17, wherein the instructions when executed cause the system to provide the database demographics information in at least one of a chart format and a line graph format.

Claim 26 (previously amended): The article of claim 17, wherein the instructions when executed cause the system to provide the database demographics information containing storage system utilization.

Claim 27 (previously amended): The article of claim 17, wherein the instructions when executed cause the system to provide the database demographics information containing statistics information.

Claim 28 (previously amended): The article of claim 27, wherein the database system has plural access modules and a table distributed across the access modules, and wherein the instructions when executed cause the system to provide the database demographics information containing the storage system utilization associated with each access module.

Claim 29 (previously amended): The article of claim 28, wherein the instructions when executed cause the system to provide the database demographics information containing a row count of a portion of the table stored by each of the access modules.

Claim 30 (previously amended): The article of claim 29, wherein the instructions when executed cause the system to provide the database demographics information containing an average row size of rows of the portion of the table stored by each of the access modules.

Claim 31 (previously amended): The article of claim 30, wherein the instructions when executed cause the system to provide the database demographics information containing distribution of a number of blocks on each access module.

Claim 32 (previously amended): An apparatus comprising:
a first interface to a database system;
a module to receive a request for database demographics information; and
a user interface,
the module adapted to access the database demographics information from the database system and to display the database demographics information in graphical format in the user interface.

Claim 33 (previously amended): The apparatus of claim 32, wherein the user interface comprises a graphical user interface screen to display the database demographics information in graphical format.



(9) EVIDENCE APPENDIX

None

(10) RELATED PROCEEDINGS APPENDIX

None

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